

GENERAL PERMIT FOR MAINTENANCE ACTIVITIES

This general permit allows the maintenance of existing, previously authorized, currently serviceable, structures or fills such as dams, intake and outfall structures, utilities, culverts, etc. This general permit also authorizes the excavation of accumulated sediments and debris in the vicinity of existing structures such as bridges, culverted road crossings, and intake and outfall structures. Correspondingly, the placement of new or additional riprap to protect the structure is authorized.

Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make the repair, rehabilitation, or replacement are permitted.

Maintenance activities are hereby permitted by this general permit, provided the activity is done according to the terms and conditions of this general permit.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

- (a) where wetlands will be adversely affected by the proposed work;
- (b) the structure or fill is to be put to uses differing from its original use or those uses specified in its original permit;
- (c) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;
- (d) where the activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;
- (e) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or
- (f) when an individual permit is required.

Maintenance activities not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification to the Division is not required where the work involves excavation of accumulated bedload and unconsolidated sediments from within culverts, and for a distance of one hundred feet up and down stream.
- 2) Notification to the Division is required of persons planning to conduct maintenance activities other than as specified in item one of this section. Notification shall be in the form of an original, signed document which includes the following minimum information:
 - (a) a map showing the exact location of the proposed work; and
 - (b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified by the Division that the activity may proceed under the general permit.

General Terms and Conditions

The following general terms and conditions apply to all activities authorized by this general permit.

- 1) The dredging or excavation of sediment shall be limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 100 feet in any direction from the structure.

- 2) The placement of riprap must be the minimum necessary to protect the structure, or to ensure the safety of the structure.
- 3) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).
- 4) Dredged materials shall be removed to an upland site and disposed in such a manner as to prevent reentry to waters of the State.
- 5) Erosion and sediment control measures are required where soil will be disturbed. The control measures must be in place before earthmoving operations begin, maintained throughout the construction period and repaired, if necessary, after rainfall. Control measures such as straw bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along the waterbody in cleared areas to prevent movement of sediments into the waters. They must be installed parallel to the waterbody, entrenched and staked, and extend the width of the area to be cleared.
- 6) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.
- 7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.
- 8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
- 9) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover
- 10) Prior authorization must be obtained when necessary by the applicant pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1897*, §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.

Effective Date July 1, 2000

Expiration Date June 30, 2005

APPROVED: _____

Paul Davis, Director